

REMARKS

All the pending claims were rejected under 35 U.S.C. § 102(b) as being anticipated by EP. 0610951 A1 to Van Iten. Applicant respectfully transverses.

The present claims require the leading edge of the applicator to directly contact and engage the tampon. Support for this feature can be found at least at paragraphs 27 and 31 as well as Figures 1A and 1B. The amendment was not previously made because Applicant considered it to be clear that the leading edge of the applicator directly engaged the tampon. In this regard, Applicant notes that the Examiner mistakenly states that the Applicant presented arguments not commensurate with the scope of the claims. The previously presented argument pointed out that the leading edge of the applicator engaged the tampon, which was taken directly from the language of the claim. Accordingly, the finality of the present action should be withdrawn. In any event, the proposed amendment puts the claims in condition to be allowed or, in the alternative, puts them in better condition for appeal.

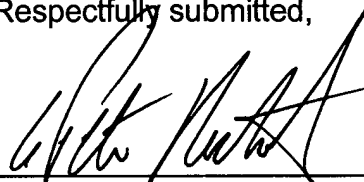
Turning now to the rejection, as pointed out in the last response, Van Iten does not teach or suggest direct contact between the applicator and the tampon. Instead, Van Iten teaches an applicator with its leading edge engaging a dissolvable capsule which, in turn, houses the tampon. In fact, without the dissolvable capsule, the Van Iten tampon would be in its expanded state and thus could not be effectively inserted into a woman's vagina. Moreover, Van Iten teaches away from direct contact and engagement between the applicator and tampon in view of Van Iten's teaching of the cone shape of the individual absorbent members, which Van Iten states "facilitates removal from the vagina" (col. 6, lines 38-39). Accordingly, insertion would be difficult if

not impossible unless the absorbent structure was contained with the capsule.

Therefore, Van Iten cannot anticipate or render obvious the presently claimed device and method.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', is written over a horizontal line.

G. Peter Nichols
Registration No. 34,401

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200